

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-FOURTH LEGISLATIVE DAY
THURSDAY, MARCH 24, 2005

Senate Chamber

President Risch called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Andreason, Burkett, Langhorst, and Stegner, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chert Griffith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Langhorst and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 23, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 119

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING DEVELOPMENT OF THE CONCEPT OF SUSTAINABILITY AT IDAHO INSTITUTIONS OF HIGHER EDUCATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the people of the state of Idaho are justifiably proud of our rich tradition of quality institutions of higher education and preservation of our natural resources; and

WHEREAS, Idaho's institutions of higher education should be models for the wise stewardship of economic and environmental resources; and

WHEREAS, the state of Idaho and its institutions of higher education bear profound responsibility to increase awareness, knowledge, technology and tools that will lead the state of Idaho to a prosperous and sustainable future; and

WHEREAS, environmental sustainability has been defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs and may include use of resources in a manner that allows the resources to be replenished by natural systems, as well as avoidance of pollution that damages biological systems and emphasizes use of resources in such a manner that they will never be exhausted; and

WHEREAS, the state of Idaho should encourage the mobilization of internal and external resources so its institutions can collaborate to develop a concept of sustainability that reflects Idaho's unique values and involves all stakeholders; and

WHEREAS, education is critical for pursuing a sustainable future for Idaho; and

WHEREAS, education for sustainability increases the power of all Idahoans to address future economic and environmental realities; and

WHEREAS, the state of Idaho's major industries have benefited from, and will continue to benefit from, commitment to an institutional focus on research and development of new ideas and technologies that will lead to a sustainable future; and

WHEREAS, the University of Idaho is paving the way to the future through innovative research, collaboration with statewide extensions and private industry, and the development of an effective sustainability curriculum.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that an educational focus on sustainability will lead the state of Idaho to the realization of its economic aspirations, environmental goals, and beyond our greatest expectations for the future.

SJM 111

BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the power to control immigration and naturalization is exclusively reserved to the federal government by the provisions of Section 8, Article I of the United States Constitution, which places the power to set rules for naturalization in the legislative branch; and

WHEREAS, Congress first exercised that power by passing the Act of March 26, 1790, which provided the first rules to be followed by all of the United States in the granting of national citizenship; and

WHEREAS, immigration and naturalization laws have been revised from time to time; and

WHEREAS, immigration was essentially unrestricted until a permanent quota system was created in 1924; and

WHEREAS, the United States allows over 660,000 legal immigrants per year; and

WHEREAS, the Immigration Act of 1990 allows for 480,000 immigrants with family in the U.S.; 140,000 immigrants in needed employment fields; and 40,000 under per-country limits and diversity limits; and

WHEREAS, it is estimated there are ten million illegal aliens in the United States; and

WHEREAS, because U.S. law has decreed that education and emergency medical care cannot be denied even to those who have come here illegally; and

WHEREAS, the cost of medical care, education and incarceration of illegal immigrants is monumental, being estimated at \$10 billion a year in California alone; and

WHEREAS, the costs of supporting illegal aliens in this country fall directly on the states, counties and hospitals; and

WHEREAS, that burden has become overwhelming in some areas of the country where high concentrations of illegal aliens have caused some hospitals in border states to declare bankruptcy; and

WHEREAS, current trade and immigration policies are threatening the American standard of living; and

WHEREAS, current immigration policy is fraught with unintended consequences.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request the Congress to comprehensively review current immigration policy, to examine enforcement of that policy, and further, to actively seek reasonable revisions to such policy.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 119 and **SJM 111** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Andreason and Burkett were recorded present at this order of business.

March 24, 2005

The JUDICIARY AND RULES Committee reports that **S 1229** and **S 1230** have been correctly printed.

DARRINGTON, Chairman

S 1229 and **S 1230** were referred to the Finance Committee.

March 24, 2005

The JUDICIARY AND RULES Committee reports that **S 1122**, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1122**, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

March 23, 2005

The JUDICIARY AND RULES Committee reports that **S 1193** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1193** and ordered it transmitted to the House for the signature of the Speaker.

March 23, 2005

The JUDICIARY AND RULES Committee reports that **S 1150**, as amended, **S 1170**, as amended, **S 1147**, as amended, **S 1191**, as amended, **S 1197**, as amended, and **S 1173**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1150, as amended, **S 1170**, as amended, **S 1147**, as amended, **S 1191**, as amended, **S 1197**, as amended, and **S 1173**, as amended, were filed for first reading.

March 24, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1150**, **H 130**, as amended, **S 1170**, **S 1147**, **H 92**, **S 1191**, **S 1197**, **H 36**, **H 37**, **H 254**, **H 281**, **H 145**, as amended, **H 272**, **S 1173**, and **H 110**, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 23, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1011**, **S 1076**, as amended, **S 1127**, **S 1131**, **S 1182**, **S 1184**, and **S 1187** were delivered to the Office of the Governor at 2:50 p.m., March 23, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 23, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 107** was delivered to the Office of the Secretary of State at 10:58 a.m., March 23, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 23, 2005

The STATE AFFAIRS Committee reports out **H 240**, **H 300**, **HJM 7**, and **HJM 9** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 240 and **H 300** were filed for second reading.

HJM 7 and **HJM 9** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2005

The STATE AFFAIRS Committee reports out **H 291** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 291** was referred to the Fourteenth Order of Business, General Calendar.

March 23, 2005

The STATE AFFAIRS Committee reports out **H 226** and **H 227** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

BURTENSHAW, Chairman

H 226 and **H 227** were filed for second reading.

March 23, 2005

The STATE AFFAIRS Committee reports out **SJM 110** and **S 1201** with the recommendation that they do pass.

BURTENSHAW, Chairman

SJM 110 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

S 1201 was filed for second reading.

March 23, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 306**, as amended, as amended, **H 323**, as amended, **H 318**, and **H 354** with the recommendation that they do pass.

BUNDERSON, Chairman

H 306, as amended, as amended, **H 323**, as amended, **H 318**, and **H 354** were filed for second reading.

March 23, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 100** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 100** was referred to the Fourteenth Order of Business, General Calendar.

March 24, 2005

The FINANCE Committee reports out **S 1229** and **S 1230** with the recommendation that they do pass.

CAMERON, Chairman

S 1229 and **S 1230** were filed for second reading.

March 23, 2005

The FINANCE Committee reports out **H 353** with the recommendation that it do pass.

CAMERON, Chairman

H 353 was filed for second reading.

March 23, 2005

The JUDICIARY AND RULES Committee reports out **H 301**, **H 326**, and **H 334** with the recommendation that they do pass.

DARRINGTON, Chairman

H 301, **H 326**, and **H 334** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 23, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Claude Storer of Idaho Falls, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 23, 2005

The Gubernatorial appointment was referred to the Resources and Environment Committee.

March 23, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1008, S 1009, S 1010, S 1030, S 1038, S 1039, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1063**, as amended, **S 1064, S 1067, S 1068**, as amended, **S 1069, S 1071**, as amended, **S 1072, S 1073, S 1081, S 1084, S 1114, S 1120, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177, S 1178, S 1181, S 1185**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2005

Mr. President:

I transmit herewith **HCR 24, H 364**, and **H 365** which have passed the House.

JUKER, Chief Clerk

HCR 24, H 364, and **H 365** were filed for first reading.

March 23, 2005

Mr. President:

I return herewith **S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, S 1074**, as amended, **S 1165**, and **S 1209** which have passed the House.

JUKER, Chief Clerk

S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, S 1074, as amended, **S 1165**, and **S 1209** were referred to the Judiciary and Rules Committee for enrolling.

Mr. President:

I return herewith **S 1179**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Brandt, granted by unanimous consent, **S 1179**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 23, 2005

Mr. President:

I transmit herewith **HCR 17, HJM 4, H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 17, HJM 4, H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** and ordered them returned to the House.

March 23, 2005

Mr. President:

I return herewith Enrolled **S 1061, S 1092, S 1099, S 1119, S 1138, S 1142**, as amended in the House, and **S 1188**, which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1061, S 1092, S 1099, S 1119, S 1138, S 1142**, as amended in the House, and **S 1188** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the State Affairs Committee report, having been held, relative to the Gubernatorial appointment of Judy Radin was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Gubernatorial appointment of Judy Radin as a member of the Idaho State Racing Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial

appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Martha A. Calabretta was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Werk, seconded by Senator Broadsword, the Gubernatorial appointment of Martha Calabretta as a member of the Idaho Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Health and Welfare Committee report, relative to the Gubernatorial appointment of Joan M. Cloonan, retained its place on the calendar for one legislative day.

On request by Senator Goedde, granted by unanimous consent, **HCR 20** retained its place on the calendar for one legislative day.

The President announced that the House amendments to **S 1179**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1179**, as amended in the House?"

On request by Senator Brandt, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1179**, as amended in the House.

S 1179, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1231

BY FINANCE COMMITTEE

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER CERTAIN FUNDS; DIRECTING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE A ONE-TIME DISTRIBUTION OF FUNDS; AND DECLARING AN EMERGENCY.

S 1232

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING CERTAIN REALLOCATIONS OF FEDERAL FUNDS.

S 1233

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1234

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE COST OF ADMINISTRATION OF FEDERAL GRANTS AND REQUIRING A REPORT.

S 1231, **S 1232**, **S 1233**, and **S 1234** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 130, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 92, as amended in the Senate, by Resources and Conservation Committee, was read the first time at length and filed for second reading.

H 36, as amended in the Senate, and **H 37**, as amended in the Senate, by Agricultural Affairs Committee, were read the first time at length and filed for second reading.

H 254, as amended in the Senate, and **H 281**, as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

H 145, as amended, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the first time at length and filed for second reading.

H 272, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 110, as amended, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1150, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1170, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1147, as amended, by Education Committee, was read the first time at length and filed for second reading.

S 1191, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1197, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1173, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

HCR 24, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 364, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 365, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 352, H 355, H 356, H 357, H 358, H 359, and **H 360**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 174, as amended, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 101, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 322, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 337, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1228, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 324, by Education Committee, was read the second time at length and filed for third reading.

H 127, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

March 24, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Leonard Beck of Burley, Idaho, was appointed as a member of the Idaho Water Resource

Board to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1220 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Little disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--Stennett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1220** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator McGee, granted by unanimous consent, **H 230**, having been held, retained its place on the Third Reading Calendar for Tuesday, March 29, 2005.

H 213 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 213** passed, title was approved, and the bill ordered returned to the House.

H 219 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 219** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Keough to the Chair.

H 220 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 220** passed, title was approved, and the bill ordered returned to the House.

H 221 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 221** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 238 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Marley, Stennett, Werk. Total - 6.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 238** passed, title was approved, and the bill ordered returned to the House.

H 280 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 280** passed, title was approved, and the bill ordered returned to the House.

H 299 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 299** passed, title was approved, and the bill ordered returned to the House.

H 253 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 253** passed, title was approved, and the bill ordered returned to the House.

H 215 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 215** passed, title was approved, and the bill ordered returned to the House.

H 265, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 265**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 188, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 23.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Andreason, Brandt, Coiner, Geddes. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 188**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 282 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Burkett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Marley, Stennett, Werk. Total - 5.

Absent and excused--Andreason. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 282** passed, title was approved, and the bill ordered returned to the House.

H 277 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 277** passed, title was approved, and the bill ordered returned to the House.

H 319 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and Sweet arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 319** passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

General Calendar

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 2 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason, Burkett, and Schroeder, absent and excused. [District 21 seat temporarily vacant.]

Prior to recess the Senate was at the Fourteenth Order of Business, General Calendar.

Senators Andreason, Burkett, and Schroeder were recorded present at this order of business.

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 291** and **H 100**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 291

AMENDMENTS TO SECTION 2

On page 1 of the printed bill, in line 24, delete "operated as such" and insert: "licensed as a golf course under the provisions of section 23-903, Idaho Code,"; in line 25, delete "seasons" and insert: "years"; and in line 29, following "Code" insert: ", unless the premises is located within the incorporated limits of any city, in which case the fee shall be the same as that prescribed for a license in a city of that size as set forth in section 23-904, Idaho Code".

SENATE AMENDMENT TO H 100

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 21 through 26 and insert: "any equipment and pay salaries, benefits and operating expenses in order to carry out their responsibilities pursuant to chapter 14, title 31, Idaho Code, for the purposes of protection of property against fire and the preservation of life. This may include the purchase of ambulances and ambulance-related equipment, salaries, benefits and operating expenses. The levy shall be made by resolution entered upon the minutes of".

CORRECTION TO TITLE

On page 1, delete lines 3 through 9 and insert: "TO PROVIDE THAT A FIRE PROTECTION DISTRICT MAY PURCHASE ANY EQUIPMENT AND PAY SALARIES, BENEFITS AND OPERATING EXPENSES IN ORDER TO CARRY OUT CERTAIN RESPONSIBILITIES AND TO PROVIDE THAT THIS MAY INCLUDE THE PURCHASE OF AMBULANCES AND AMBULANCE-RELATED EQUIPMENT, SALARIES, BENEFITS AND OPERATING EXPENSES; DECLARING AN EMERGENCY AND PROVIDING".

The Committee also has **H 150**, **H 202**, and **S 1172** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

H 291, as amended in the Senate, and **H 100**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stegner, that all rules of the Senate interfering with the immediate passage of **S 1228** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1228** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 25.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Geddes, Sweet. Total - 2.

Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1228 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Coiner, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 8.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1228** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 352** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 352** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 352 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 352** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 355** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read

on three several days be dispensed with, this being a case of urgency, and that **H 355** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 355 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 355** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 356** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 356** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 356 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 356** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 357** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 357** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 357 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 357** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 358** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 358** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 358 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 358** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 359** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 359** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 359 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough,

Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 359** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Burkett, that all rules of the Senate interfering with the immediate passage of **H 360** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 360** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 360 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 360** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 174**, as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 174**, as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington,

Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 174, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Hill, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 16.

NAYS--Andreason, Bunderson, Burkett, Cameron, Compton, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 18.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared that **H 174**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 101**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 101**, as amended, was read the third time at length, section by section, and put upon its final passage.

H 101, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Burtenshaw, Compton, Darrington, Gannon, Geddes, Jorgenson, Keough, Little, McKenzie, Stegner, Williams. Total - 11.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Corder, Davis, Goedde, Hill, Kelly, Langhorst, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stennett, Werk. Total - 22.

Absent and excused--Sweet. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared that **H 101**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Davis, granted by unanimous consent, all Senate bills amended in the Senate were placed at the head of the Second Reading Calendar, followed by **S 1201**, followed by House bills amended in the Senate, Senate Finance Committee bills, House Appropriations Committee bills, and House bills with **H 226** and **H 227** at the bottom of the Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Friday, March 25, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary